

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application Of: Tiffany & Company
For: CUT CORNERED SQUARE MIXED-
CUT GEMSTONE
Reissue Application No.:
Reissue Application Filing:
Original Patent No.: 6,363,745
Original Patent Granted On: April 2, 2002
1185 Avenue of the Americas
New York, New York 10036
July 24, 2003

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

INFORMATION DISCLOSURE STATEMENT

In compliance with his duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references, 1-18 attached hereto as Exhibits 1-18 respectively. These references are listed on accompanying Form PTO-1449 attached as Exhibit 19.

1. Montana Burst, Gram 1 Faceting Designs, Jeff R. Graham, allegedly published 1995 ("Montana Burst"); Exhibit 1
2. The Squared Circle Cut, Diagrams for Faceting, Vol. II, p. 83, 1983 ("Squared Circle Cut"); Exhibit 2

3. Square Step Cut, Diagrams for Faceting, Vol. III, p. 47, 1987 ("Square Step Cut"); Exhibit 3
4. Square Barion Cut, Diagrams for Faceting, p. 150 1975 ("Square Barion Cut #1"); Exhibit 4
5. Octo-Square Brilliant, Lapidary Journal, March 1974, p. 1790 ("Octo-Square Brilliant"); Exhibit 5
6. Cushion Square Brilliant, Facet Design, Vol. 7, p. B5 1989 ("Cushion Square Brilliant"); Exhibit 6
7. Regent Variation 1, Facet Design, Vol. V. p. B19, 1989 ("Regent Variation 1"); Exhibit 7
8. Crossed Bottom Square, The Techniques of Master Faceting, Vol. 1, 1985, p. 218 ("Crossed Bottom Square"); Exhibit 8
9. Square Barion Cut, The Techniques of Master Faceting, Vol. 1, 1985, p. 218 ("Square Barion Cut #2"); Exhibit 9
10. Cross in a Square, Diagrams for Faceting, p. 64, 1985 ("Cross in a Square"); Exhibit 10
11. Split Facet Square Barion, Designs For faceting, Vol. III p. 117, 1987; Exhibit 11
12. Square Barion, HRD Cert. No. 930117607 ("Square Barion"); Exhibit 12
13. Square Dozen, Diagrams for Faceting, vol. III, p. 46, 1987 ("Square Dozen"); Exhibit 13
14. GIA Diamond Grading Report No. 5183530 dated 1/27/88; Exhibit 14
15. U.S. Patent No. 38,314 to Bruhl; Exhibit 15
16. FR Patent No. 324 092; Exhibit 16
17. Visual Museum, Stones & Minerals, Kabushiki Kaisha Dohosha Shuppan, Japan, Aug. 20, 1994, p.

55; Exhibit 17 and

18. "5 Nouvelles Tailles Pour Le Diamant", La France Horologene, FR. Societe Millot Et CIE. Besancon, No. 497, p. 154-59 XP000002799 ISSN: 0015-9573, P. 156, Nov. 1988; Exhibit 18.

References 1-14 first came to applicant's attention after the issue date of the subject patent U.S. Patent Nos. 5, 970,744 ("744 Patent") and D442,114, were asserted against Ernest Slotar, Inc. ("Slotar"). References 15-18 first came to applicant's attention after the issue date of the subject patent.

It is not clear to applicant whether the Montana Burst reference (Exh. 1) was publicly available as prior art under 35 U.S.C. §102 before applicant's December 1, 1998 filing date. The reference contains on the right side a website address of www.faceters.com, which was apparently not available until 1999 at the earliest, based on the copyright notice on the website.

The Square Barion of HRD Cert. 93 011 7607 (Exh. 12) (or the stone described therein) was not believed to be prior art under 35 U.S.C. §102.

The GIA Diamond Grading Report (Exh. 14), is not believed to be publicly available to qualify as prior art under 35 U.S.C. §102.

Also, it has not been established whether the stone allegedly described in this Report was offered for sale or sold, or otherwise became prior art under 35 U.S.C. §102, prior to the filing date of the subject patent. Moreover, the diagram of the stone in the Report is not necessarily an accurate depiction of an actual stone. As presently advised, the GIA generally selects a diagram for a Report from a library of stock diagrams, and in some cases generates a new diagram if the gemstone is not closely

represented in its existing library of diagrams. The Report also contains the statement "FACET ARRANGEMENT IS APPROX."

Due to nature of GIA Reports as not being established prior art under 35 U.S.C. §102, applicant believes that the GIA Report No. 0421726 submitted during prosecution of the application (or the gemstone referred to in the Report) has not been established to be prior art under 35 U.S.C. §102. Although this Report is listed as a cited reference, applicant believes that it is not prior art under 35 U.S.C. §102.

References (1) through (4) were cited by Slotar against U.S. Patent No. 5,970,744. References (1) and (3) through (13) have been cited by Slotar against U.S. Patent No. 6,363,745. Reference (14) has not been cited against any claim, and Slotar appears to acknowledge that this reference, or the stone depicted therein, has not been shown to be prior art under 35 U.S.C. §102.

Applicant is filing a Request for Reexamination of the '744 Patent. In the Request for Reexamination of the '744 Patent, applicant describes how Slotar applies the references (1) through (4) against the claims in the '744 Patent.

Slotar has cited references (1) and (3) through (13) against the '745 patent claims as follows:

<u>Reference</u>	<u>Claims of '745 Patent</u>
Montana Burst (Exh. 1)	8, 9, 12, 14 (anticipation) (obviousness)
Octo-Square Brilliant (Exh. 5)	1, 2, 9, 13, 15 (anticipation)
Cushion Square Brilliant (Exh. 6) combined with Regent Variation 1 (Exh. 7)	3 (obviousness)
Crossed Bottom Square (Exh. 8) combined with Square Barion Cut #2 (Exh. 9)	4 (obviousness)
Cross in a Square (Exh. 10)	5, 8 (anticipation)
Square Barion (Exh. 12)	6, 7 (anticipation)
Square Dozen (Exh. 13)	9, 10, 11, 13, 15 (anticipation)
Montana Burst (Exh. 1) combined with Square Step Cut (Exh. 3) or Square Barion Cut #1 (Exh. 4)	8, 12, 14 (obviousness)
Split Facet Square Barion (Exh. 11)	8 (anticipation)
Squared Circle Cut (Exh. 2)	11, 13 (anticipation)

Tiffany & Company
Reissue of Patent No.: 6,363,745
Page 6

If the Examiner has any questions regarding any aspect of this Information Disclosure Statement, applicant's undersigned attorney invites a telephone call at the number provided below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Peter J. Phillips", is written over a horizontal line.

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New York, New York 10036
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Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 57226-A-RE/PJP	Serial No.:
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Robert S. Greeff	
		Filing Date	Group

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	3 8 3 1 4	April, 1873	Bruhl			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	3 2 4 0 9 2	December, 1902	FR				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this from with next communication to applicant.

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